

Application Serial No. 09/469,738
Supplemental Amendment dated October 31, 2003
Reply to Office Action dated May 2, 2003

REMARKS

Claims 14-32 are pending in the application, claims 20-32 being newly added hereby. Claims 14-19 have been rejected in the present Office Action. An initial response to the present Office Action was filed on August 4, 2003 to address same. An Associate Power of Attorney was filed on October 27, 2003, a copy of which is attached to this paper, giving power of attorney to undersigned counsel to prosecute this case. Undersigned counsel represents a new owner of the application. After review of the filings in this case, this Supplemental Amendment is being filed to present a further set of claims (claims 20-32) to fully flesh out the issues and the scope of protection to which Applicant is entitled.

By this supplemental amendment, Applicant continues to rely on the initial response filed on August 4, 2003, with the exception of one minor amendment to pending claim 19 to correct a typographical error. New claims 20-32 are presently added.

Objections to the Drawings/Specification

The Examiner has objected to the drawings under 37 C.F.R. 1.83(a) for failing to show every feature of the invention specified in the claim, and to the specification for various reasons. The response dated August 4, 2003 has addressed these issues, and it is believed that the newly-presented claims do not require resolution thereof.

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35 U.S.C. §112

Claims 14-19 have been rejected under 35 U.S.C. §112. The response dated August 4, 2003 addresses the issue with respect to these claims. It is submitted that the newly-presented claims do not raise the issue.

Prior Art

Claims 14-19 have been rejected under 35 U.S.C. §103, and that issue has already been addressed in the response dated August 4, 2003. New claims 20-32 have been presently added to the application. Claim 20, the only newly added independent claim, is asserted to be novel and nonobvious, and therefore patentable. In particular, claim 20 is asserted to be novel over each of the references cited to date during prosecution of the present application. Since claim 20 is novel, it is asserted that each of claims 21-32, which ultimately depend from claim 20, are also novel.

Further, each of the elements listed in claim 20 is described in the application as originally filed. The needle, housing, blunting member, securing member, flash chamber, and porous member are described throughout the specification, drawings, and claims as originally filed. And at least originally filed Fig. 1 depicts the securing member as including a portion that extends towards the distal end of the blunting member. Fig. 1 also depicts the securing member as contained wholly within the housing in the non-blunting position of the blunting member. The application as originally filed thus provides written description for all of the new claims, and that

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description is enabling. Likewise, no new matter has been added by new claims 20-32.

Claim 20, and thus each of claims 21-32 which ultimately depend from claim 20, require a needle attached to a housing, with a blunt movably received in the needle. The proximal end of the blunt is disposed in the housing attached to the needle, and there is also a securing member (75) that has two important aspects. First, the securing member has a portion (77) that extends from the proximal end towards the distal end of the blunt. Second, the entire securing member (75) is wholly contained within the housing, such as when the blunt is not extending out of the needle. These features are seen, for example, in Figure 1 of the present application. It is submitted that none of the references cited to date has a securing member on the proximal end of the blunt which includes a portion extending toward the distal end of the blunt with two possible exceptions: U.S. Patent No. 5,009,642 ("the Sahi '642 patent") and U.S. Patent No. 6,210,379 ("the Solomon '379 patent"). However, a quick review of each of these patents shows that they fail to disclose each and every limitation of claim 20, and thus claims 21-38.

First, although the Sahi '642 patent appears to include a securing member (see retainer means 32 of Fig. 1) with a distally directed portion, the distally directed portion extends beyond the tube 24 in which its end stop 34 is contained while ring sections 38a, 38b, flanges 39a, 39b, and at least part of the legs 36a, 36b are disposed about the needle 14. Thus, at least a portion of the securing member of the Sahi '642

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patent is disposed outside of any structure that could be considered a housing. In contrast, new claim 20 of the present application recites that the securing member is contained wholly within the housing.

Second, new claim 20 of the present application recites that the flash chamber is disposed at a proximal end of the housing. While the Solomon '379 patent appears to include a securing member (see shifting member 84 of Figs. 1 and 2) with a distally directed portion (88), as can be seen with reference to Figs. 1 and 2, the internal volume (38) of the flash chamber (30) is disposed completely above the blunting member in an upper portion of the housing. Thus, the Solomon '379 patent does not disclose a flash chamber disposed at a proximal end of the housing as seen, for example, in Fig. 4 of the present application.

Conclusion

It is believed that all claims are now in condition for allowance, and a Notice of Allowance is respectfully requested.

It is believed that no fee is due. If, however, fees or surcharges are deemed due, please charge same or credit any overpayment to Deposit Account No. 23-3000.

The Examiner is invited to contact the undersigned attorney with any questions or remaining issues.

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Respectfully submitted,

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